

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: IAN BODDY ET AL.

For: TWIN-ARM VEHICLE MIRROR WITH POWERFOLD AND POWEREXTEND FEATURES

Serial No.: 10/710,995

Examiner: Cherry, Euncha P.

Filed: August 16, 2004

Group Art Unit: 2872

Atty. Docket: 71486-0078

Confirmation No: 9386

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

☐ deposited with the United States Postal Service
with sufficient postage as first class mail, in an envelope
PO Box 1450, Alexandria, VA, 22313-1450.

☒ transmitted EFS Web filing to the Patent and Trademark Office.

_____/Rebecca L. Shill/
Signature

Date: April 24, 2006

Rebecca L. Shill
(type or print name of person certifying)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This paper is responsive to the Office Action mailed March 23, 2006, as follows:

Remarks begin on page 2 of this paper.

REMARKS

Claims 1-36 were in the application as filed. The Examiner has required restriction between allegedly patentably distinct Species 1 (claims 1-4), Species 2 (claims 5-14), Species 3 (claims 15-24), and Species 4 (claims 25-36). The Examiner asserts that currently no claim is generic. Applicants respectfully request that the Examiner consider the withdrawal of the restriction requirement in light of the arguments advanced herein. Alternatively, Applicants provisionally elect the claims of Species 4, claims 25-36, with traverse.

The Examiner has required restriction between alleged Species 1 (claims 1-4), Species 2 (claims 5-14), Species 3 (claims 15-24), and Species 4 (claims 25-36), each of which comprises a vehicular mirror system. The mirror system comprises a base comprising a cradle, a reflective element assembly, and a support tube assembly attached to the reflective element assembly and supported in the cradle. The restriction requirement is respectfully traversed as being improper.

Restriction may be required if two or more "independent and distinct" inventions are claimed in one application. 35 U.S.C. §121. Alleged Species 1-4 have the unifying concept of a mirror system comprising a base comprising a cradle, a reflective element assembly, and a support tube assembly supported in the cradle. Thus, the species are not independent and distinct.

Moreover, a search of the prior art would not be duplicative and Applicants are at a loss as to how the Examiner would be burdened by having to examine all the groups of claims since they relate to such intertwined subject matter.

There is good reason to maintain all species claims in the application for examination pending allowance of the generic claim. Each species operates in essentially the same general manner. The number of species, i.e. 4, is not unreasonable. The burden of maintaining the claims in the application is negligible, and far outweighed by the burden of continuing examination of the withdrawn claims in separate applications. Nevertheless, Applicants confirm a provisional election with traverse of alleged Species 4, claims 25-36.

CONCLUSION

If there are any outstanding issues which the Examiner feels may be resolved by way of telephone conference, the Examiner is cordially invited to contact the undersigned to resolve these issues. Early notification of allowability is respectfully requested.

Respectfully submitted,

IAN BODDY ET AL.

Dated: April 24, 2006

By: /Michael F Kelly/
G. Thomas Williams, Reg. No. 42,228
Michael F. Kelly, Reg. No. 50,859
MCGARRY BAIR PC
171 Monroe Avenue, NW, Suite 600
Grand Rapids, Michigan 49503
616-742-3500